

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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|------------------------|---|--------------------------------------|
| Danielle Savoy, | : | |
| | : | Civil Action No.: <u>3:16-cv-621</u> |
| | : | |
| Plaintiff, | : | |
| v. | : | |
| | : | |
| Conn Appliances, Inc., | : | COMPLAINT |
| | : | |
| Defendant. | : | |
| | : | |
| | : | |

For this Complaint, Plaintiff, Danielle Savoy, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Danielle Savoy ("Plaintiff"), is an adult individual residing in Richardson, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Conn Appliances, Inc. ("Conn"), is a Texas business entity with an address of 4055 Technology Forest Boulevard, Suite 210, The Woodlands, Texas 77381-2008, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. In or around February 2015, Conn began calling Plaintiff's cellular telephone, number 214-xxx-1539, using an automatic telephone dialing system ("ATDS") and/or using an artificial or prerecorded voice.

6. When Plaintiff answered calls from Conn, she heard either a prerecorded message directing her to hold for the next available representative or silence.

7. The foregoing is indicative of a predictive dialer, an ATDS under the TCPA.

8. Plaintiff never provided her cellular telephone number to Conn and never provided her consent to receive automated calls from Conn.

9. In or around February 2015, Plaintiff spoke with a Conn representative and demanded that Conn cease all calls to her.

10. Nevertheless, Conn continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I **VIOLATIONS OF THE TCPA - 47 U.S.C. § 227, ET SEO.**

11. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

12. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.

13. The telephone number called by Defendant was assigned to a cellular telephone service pursuant to 47 U.S.C. § 227(b)(1).

14. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: March 4, 2016

Respectfully submitted,

By /s/ Jenny DeFrancisco

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